

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SECOND DAY — WEDNESDAY, APRIL 30, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 256).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Absent, Excused — Woolley.

Absent — Dutton; Seaman; Williams.

The invocation was offered by Dr. Ed Hogan, pastor, First Baptist Church, Crockett, as follows:

May the Lord bless you and keep you.

May the Lord make his face to shine upon you, and be gracious unto you.

May he grant you his peace in your labor and leisure, in your joy and sorrow, in your victories and defeats.

Where there is doubt, may he provide assurance.

Where there is confusion, may he provide clarity of thought.

Where there is gridlock may he provide solutions which seek to promote harmony, healing, justice, and hope for those who are vulnerable. Amen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Woolley on motion of Kuempel.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 44).

**HCR 223 - ADOPTED
(by Patterson)**

Representative Patterson moved to suspend all necessary rules to take up and consider at this time **HCR 223**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 223, Commemorating April 30, 1997, as Fannin County Day.

(Speaker pro tempore in the chair)

HCR 223 was read and was adopted without objection.

**HR 760 - ADOPTED
(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 760**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 760, Honoring Pfizer, Inc.

HR 760 was read and was adopted without objection.

**HR 774 - ADOPTED
(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 774**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 774, In memory of Carl David Clark.

HR 774 was read and was unanimously adopted by a rising vote.

**HCR 45 - ADOPTED
(by Eiland)**

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HCR 45**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 45, In memory of Edna Seinsheimer Levin.

HCR 45 was read and was unanimously adopted by a rising vote.

On motion of Representative Janek, the names of all the members of the house were added to **HCR 45** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Eiland, who introduced members of Edna Seinsheimer Levin's family.

(Dutton now present)

CAPITOL PHYSICIAN

The chair recognized Representative Williamson who presented Dr. Jack L. Eidson of Weatherford as the "Doctor for the Day."

The house welcomed Dr. Eidson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 723 - ADOPTED (by Cook)

Representative Cook moved to suspend all necessary rules to take up and consider at this time **HR 723**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 723, Recognizing April 30, 1997, as Rural Health Care Day at the Capitol.

HR 723 was read and was adopted without objection.

On motion of Representative Keffer, the names of all the members of the house were added to **HR 723** as signers thereof.

HR 722 - ADOPTED (by Cook)

Representative Cook moved to suspend all necessary rules to take up and consider at this time **HR 722**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 722, Congratulating Dr. Raymond Thomas on his selection as Family Physician of the Year.

HR 722 was read and was adopted without objection.

On motion of Representative Keffer, the names of all the members of the house were added to **HR 722** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Cook, who introduced Dr. Raymond Thomas and his family.

(Seaman now present)

HR 715 - ADOPTED
(by Alvarado)

Representative Alvarado moved to suspend all necessary rules to take up and consider at this time **HR 715**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 715, Wishing a successful and speedy recovery to Robert Jacinto of the San Antonio Fire Department.

(Williams now present)

HR 715 was read and was adopted without objection.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 715** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Clark, who introduced the Honorable Ben Munson, former member of the Texas House of Representatives.

HR 775 - ADOPTED
(by Luna)

Representative Luna moved to suspend all necessary rules to take up and consider at this time **HR 775**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 775, In memory of Clay Burton Peterson.

HR 775 was unanimously adopted by a rising vote.

BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Speaker in the chair)

HB 3599 - PERMISSION TO INTRODUCE

Representative Uher requested permission to introduce and have placed on first reading **HB 3599**.

A record vote was requested.

Permission to introduce was granted by (Record 257): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman;

Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Horn; Reyna, E.; Smithee; Thompson; Turner, S.

HB 3600 - PERMISSION TO INTRODUCE

Representative Uher requested permission to introduce and have placed on first reading **HB 3600**.

A record vote was requested.

Permission to introduce was granted by (Record 258): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C); Howard.

Absent, Excused — Woolley.

Absent — Garcia; Thompson; Turner, S.

**SB 190 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hilderbran, the house granted the request of the senate for the appointment of a conference committee on **SB 190**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 190**: Naishtat, chair, Hilderbran, Davila, McReynolds, and Madden.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 338 ON THIRD READING
(Wolens, et al. - House Sponsors)**

SB 338, A bill to be entitled An Act relating to Texas Higher Education Coordinating Board contracts with Texas Chiropractic College and Parker College of Chiropractic.

A record vote was requested.

SB 338 was passed by (Record 259): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Maxey; Thompson.

SB 293 ON THIRD READING
(Tillery - House Sponsor)

SB 293, A bill to be entitled An Act relating to the authority of a municipality to create an industrial development corporation and to levy a sales and use tax to carry out the projects of the corporation.

SB 293 was passed.

GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSSB 1706 ON SECOND READING
(Junell - House Sponsor)

CSSB 1706, A bill to be entitled An Act relating to the funding of passenger rail service by the Texas Department of Transportation.

Representative Grusendorf raised a point of order against further consideration of **CSSB 1706** under Rule 4, Section 11(a) of the House Rules on the grounds that the public hearing in which the bill was considered was not posted five days in advance.

The speaker sustained the point of order.

The bill was returned to the Committee on Appropriations.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 1216 ON SECOND READING
(by Edwards)

HB 1216, A bill to be entitled An Act relating to the creation and operation of the Texas Emancipation Juneteenth Cultural and Historical Commission.

HB 1216 was read second time on April 29 and was postponed until 10 a.m. today.

HB 1216 was passed to engrossment. (Hartnett recorded voting no)

HB 2541 ON SECOND READING
(by Kuempel)

HB 2541, A bill to be entitled An Act relating to the regulation of certain scientific breeders.

HB 2541 was read second time on April 29 and was postponed until 11 a.m. today.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative McCall, Representative Kuempel offered the following committee amendment to **HB 2541**:

Amend **HB 2541** as follows:

(1) On page 1, line 4, insert the following,

"SECTION . Section 43.355, Parks and Wildlife Code, is amended to read as follows:

(b) A scientific breeder's permit is valid only during the yearly period for which the permit is issued without regard to the date on which the permit is acquired [expires one year from the date of issuance]. Each yearly period begins on September 1 or on another date set by the commission and extends through August 31 of the next year or another date set by the commission." and renumber the subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Longoria, Representative Kuempel offered the following committee amendment to **HB 2541**:

Amend **HB 2541** as follows:

(1) On page 3, strike lines 10-19, and substitute

"(a) During an open season for taking the white-tailed deer or mule deer or during a period of 10 days before an open season, no scientific breeder may release into the wild, sell or ship to another a person other than a person holding a scientific breeders permit, a white-tailed deer or mule deer and no person in this state, other than a scientific breeder may purchase from a scientific breeder in this state a white-tailed deer or mule deer or during a period of 10 days before an open season unless the scientific breeder:

(1) has removed immediately above the pedicel the antlers of a male white-tailed deer or mule deer to be sold or shipped to another person; and"

Amendment No. 2 was adopted without objection.

HB 2541, as amended, was passed to engrossment.

CSHB 3061 ON SECOND READING (by Hightower)

CSHB 3061, A bill to be entitled An Act relating to regulation of the import, export, and management of deer; providing penalties.

CSHB 3061 was read second time on April 29 and was postponed until 11 a.m. today.

CSHB 3061 was passed to engrossment. (Hilderbran and King recorded voting no)

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 1856 ON SECOND READING (by Telford)

CSHB 1856, A bill to be entitled An Act relating to the continuation and functions of the Commission on Law Enforcement Officer Standards and Education.

Amendment No. 1

Representative Corte offered the following amendment to **CSHB 1856**:

Amend **CSHB 1856** as follows:

(1) On page 9, line 20, strike the word "guidelines" and substitute "laws, rules and regulations and instructions promulgated directly from those laws, rules and regulations".

(2) On page 9, line 23, strike the word "guidelines" and substitute "laws, rules and regulations and instructions promulgated directly from those laws, rules and regulations".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Madden offered the following amendment to **CSHB 1856**:

Amend **CSHB 1856** as follows:

(1) In SECTION 4 of the bill, in proposed Section 415.006(a)(5), Government Code (Committee Printing page 5, lines 3 and 4), strike "unless the absence is excused by majority vote of the commission".

(2) In SECTION 5 of the bill, in proposed Section 415.0065(a), Government Code, (Committee Printing page 5, line 20), insert after the period the following: "If this course is completed not later than the sixth month after the member's appointment to the commission, the member is in compliance with this subsection."

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Hightower offered the following amendment to **CSHB 1856**:

Amend **CSHB 1856** by adding the following appropriately numbered sections and renumbering existing sections appropriately:

SECTION _____. Subchapter B, Chapter 411, Government Code, is amended by adding Section 411.0211 to read as follows:

Sec. 411.0211. RETIRED TEXAS RANGERS. (a) An honorably retired or retiring member of the department who has served at least 10 years as a Texas Ranger is entitled on application to the department to retain the person's rank and commission as a Texas Ranger if:

(1) the person's license as a peace officer has not expired and has not been revoked by the Commission on Law Enforcement Officer Standards and Education under Section 415.060; and

(2) the person agrees to be bound by the restrictions and requirements of this section.

(b) A Texas Ranger commissioned under this section:

(1) does not have administrative authority over any other Texas Ranger or any member of the department; and

(2) is not connected with any ranger company or uniformed division of the department.

(c) A Texas Ranger commissioned under this section is subject to the orders of the commission and the governor for special duty to the same extent

as other law enforcement officers provided for by this chapter. A Texas Ranger commissioned under this section serves without compensation except when called for special duty that lasts for more than three consecutive days.

(d) The department shall revoke a Texas Ranger commission issued under this section if:

(1) the Texas Ranger's license as a peace officer is revoked under Section 415.060; or

(2) the department determines after a procedure conducted in accordance with Section 411.007 that the Texas Ranger violated a rule of the department and that an active Texas Ranger who violated the same rule would be discharged from the department.

SECTION _____. Section 411.023, Government Code, is amended to read as follows:

Sec. 411.023. SPECIAL RANGERS AND SPECIAL DEPARTMENT OF PUBLIC SAFETY OFFICERS. (a) The commission may appoint as special department of public safety officers ~~[ranger]~~ honorably retired commissioned officers of the department and may appoint not more than 300 ~~[other]~~ persons as special rangers.

(b) A special ranger or special department of public safety officer is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special ranger or special department of public safety officer may not enforce a law except one the violation of which is a criminal offense ~~[designed to protect life and property]~~ and may not enforce a law regulating the use of a state highway by a motor vehicle. A special ranger or special department of public safety officer is not connected with a ranger company or uniformed unit of the department.

(c) Before issuance of a commission to a special ranger the person shall enter into a good and sufficient bond executed by a surety company authorized to do business in the state in the amount of \$2,500, approved by the director, and indemnifying all persons against damages resulting from an unlawful act of the special ranger.

(d) A special ranger or special department of public safety officer is not entitled to compensation from the state for service as a special ranger or as a special department of public safety officer except when called to active duty for a period of more than three consecutive days.

(e) A special ranger commission expires January 1 of the first odd-numbered year after appointment. The director may revoke a special ranger or special department of public safety officer commission at any time for cause.

SECTION _____. Section 415.034(e), Government Code, is amended to read as follows:

(e) An honorably retired commissioned officer of the Department of Public Safety who is a special ranger under Section 411.023 and an honorably retired Texas Ranger who is commissioned under Section 411.0211 may not be required to undergo training under Subsection (b).

SECTION _____. If more than 300 persons serve as special rangers under Section 411.023, Government Code, as amended by this Act, on the effective date of this Act, the Texas Department of Public Safety may allow current

members to serve until their commissions expire but the department may not appoint or reappoint special rangers while the number of special rangers exceeds 300.

Amendment No. 3 was adopted without objection.

CSHB 1856, as amended, was passed to engrossment.

CSHB 2777 ON SECOND READING

(by Junell, Naishtat, Maxey, Coleman, and Delisi)

CSHB 2777, A bill to be entitled An Act relating to eligibility determination and service delivery of health and human services.

CSHB 2777 was passed to engrossment.

CSHB 92 ON SECOND READING

(by Brimer, Oliveira, Janek, Eiland, Corte, et al.)

CSHB 92, A bill to be entitled An Act relating to the financing of sports and community venues and related infrastructure; authorizing the imposition of certain local taxes and the issuance of local bonds; providing penalties.

Representative Wolens raised a point of order against further consideration of **CSHB 92** under Rule 4, Section 32(b)(4) of the House Rules on the grounds that the committee report form does not accurately reflect the date that the committee reported the bill.

The speaker sustained the point of order.

The bill was returned to the Committee on Business and Industry.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 17).

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, on recess today, Desk 46, to consider pending bills.

RECESS

Representative Thompson moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 11:58 a.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

MAJOR STATE CALENDAR
(consideration continued)
CSHB 2295 ON SECOND READING
(by Oakley, Carter, Keel, et al.)

CSHB 2295, A bill to be entitled An Act relating to excavation operations that may damage underground facilities; providing civil penalties.

Amendment No. 1

Representative Oakley offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

- (1) On page 2, line 27, between "treatment," and "or", insert "gathering,".
- (2) On page 5, strike lines 8 and 9 and substitute:
underground facility that is located within the boundaries of the oil or gas field from which the oil and gas is produced and that is not located:

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Oakley offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

- (1) On page 4, between lines 10 and 11, insert:
 - (15) "Routine maintenance" means operations, not to exceed 24 inches in depth, within a road or drainage ditch involving grading and removal or replacement of pavement and structures.
- (2) On page 4, line 11, strike "(15)" and substitute "(16)".
- (3) On page 4, line 16, strike "(16)" and substitute "(17)".
- (4) On page 17, line 17, strike "or".
- (5) On page 17, line 22, strike the period and substitute "; or".
- (6) On page 17, between lines 22 and 23, insert:
 - (7) routine maintenance by a county employee on a county road right-of-way to a depth of not more than 24 inches.
- (7) On page 23, between lines 20 and 21, insert the following:

SECTION 22. FACILITY ON COUNTY ROAD. (a) Section 16 of this Act does not apply to an excavation by a county employee on a county road, except an excavation within a recorded easement.

(b) This Act does not affect any contractual or statutory right of a county to require an operator to relocate, replace, or repair its underground facility.

(8) Renumber existing **SECTIONS 22** and **23** as **SECTIONS 23** and **24**, respectively.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Oakley offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

- (1) On page 7, line 24, strike "municipalities" and substitute "political subdivisions".

(2) On page 7, line 26, strike "municipalities" and substitute "political subdivisions".

(3) On page 16, line 24, strike "(a)".

(4) On page 17, strike lines 23-25.

(5) On page 18, line 4, strike "locate and".

(6) On page 18, line 6, strike "locating and".

(7) Strike page 19, line 21, through page 20, line 1.

(8) On page 20, line 2, strike "(3)" and substitute "(1)".

(9) On page 20, line 2, strike "an" and substitute "each marked".

(10) On page 20, line 5, strike "(4)" and substitute "(2)".

(11) On page 24, between lines 15 and 16, insert:

SECTION 23. EXISTING LAW. This Act does not affect any civil remedy for personal injury or for property damage, including any damage to an underground facility.

(12) Renumber existing SECTION 23 as SECTION 24.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Oakley offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

(1) On page 10, line 13, add new subsection "(a) At the time an excavator provides a notification center with the excavator's intent to excavate, the notification center shall advise the excavator that water, slurry, and sewage underground facilities in the area of the proposed excavation may not receive information concerning the excavator's proposed excavation." and renumber subsequent subsections accordingly.

(2) On page 13, line 10, strike "specific".

(3) On page 13, line 13, strike "specific".

(4) On page 13, line 23, strike all of subsection (6), and renumber subsequent subsections accordingly.

(5) On page 12, line 19, after "holidays." insert " Provided, however, if an excavator makes a Saturday notification, then the excavator can begin the excavation the following Tuesday at 11:59 a.m. unless the intervening Monday is a holiday. If the intervening Monday is a holiday, then the excavator can begin the excavation the following Wednesday at 11:59 a.m.

(6) On page 18, line 2, after "holidays," insert "11:59 a.m. on the Tuesday following a Saturday notification unless the intervening Monday is a holiday, 11:59 a.m. on the Wednesday following a Saturday notification if the intervening Monday is a holiday,"

(7) On page 18, line 14, add subsection "(d) An excavator who has fully complied with this act may not be liable for damage to an underground facility that was not marked in accordance with this Act."

(8) On page 21, line 7, following "repairs" strike the period and insert "and the repairs must be made in an expeditious manner."

(9) On page 5, line 22, add subsection "(7) The provisions of this Act are inapplicable to contractors working in the public right-of-way pursuant to a contract with the Texas Department of Transportation."

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Pickett offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

- (1) On page 17, line 17, strike "; or" and substitute ";
- (2) On page 17, line 22, between "site" and the period, insert the following:
; or
- (7) operations associated with residential construction, if the operations are not conducted within an underground facility or a right of way

Representative Oakley moved to table Amendment No. 5.

The motion to table prevailed. (Finnell recorded voting no)

Amendment No. 6

Representative Oliveira offered the following amendment to **CSHB 2295**:

Amend **CSHB 2295** as follows:

- (1) On page 23, between lines 6 and 7, insert the following:
SECTION 20. CRIMINAL PENALTY FOR REMOVAL, DAMAGE, OR
CONCEALMENT OF MARKER OR SIGN. (a) A person commits an offense
if:

(1) the person without authorization from the owner or operator of the facility intentionally removes, damages, or conceals a marker or sign giving information about the location of a Class A underground facility; and

(2) the marker or sign gives notice of the penalty for intentional removal, damage, or concealment of the marker or sign.

(b) An offense under this section is a Class B misdemeanor.

(2) Renumber the sections of the bill appropriately.

Amendment No. 6 was adopted without objection.

CSHB 2295, as amended, was passed to engrossment. (Finnell recorded voting no)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 3038 ON THIRD READING
(by Woolley and Brimer)**

HB 3038, A bill to be entitled An Act relating to medical review under the workers' compensation system.

HB 3038 was passed.

**HB 1287 ON THIRD READING
(by Counts)**

HB 1287, A bill to be entitled An Act relating to the refund of assessments and the transfer of funds among accounts of the Texas Title Insurance Guaranty Association.

A record vote was requested.

HB 1287 was passed by (Record 260): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Eiland; Howard; Keffer.

STATEMENTS OF VOTE

When Record No. 260 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

When Record No. 260 was taken, I was temporarily out of the house chamber. I would have voted yes.

Keffer

HB 1091 ON THIRD READING (by Goodman, Naishtat, Allen, et al.)

HB 1091, A bill to be entitled An Act relating to the parent-child relationship, including suits affecting the parent-child relationship, the establishment of paternity, the termination of the parent-child relationship, and the adoption of children; providing penalties.

HB 1091 was passed.

HB 768 ON THIRD READING (by Junell)

HB 768, A bill to be entitled An Act relating to remedies in an action alleging discrimination against an employee based on a claim for workers' compensation benefits.

HB 768 was passed. (Dutton and Thompson recorded voting no)

HB 1456 ON THIRD READING**(by Goolsby)**

HB 1456, A bill to be entitled An Act relating to the statute of limitations for claims against licensed interior designers and landscape architects.

HB 1456 was passed.

HB 2098 ON THIRD READING**(by Uher)**

HB 2098, A bill to be entitled An Act relating to the regulation of certain franchised dealers who engage in the leasing of motor vehicles.

HB 2098 was passed.

HB 2382 ON THIRD READING**(by Siebert, et al.)**

HB 2382, A bill to be entitled An Act relating to the regulation of the distribution and sale of towable recreational vehicles.

HB 2382 was passed.

HB 691 ON THIRD READING**(by Thompson)**

HB 691, A bill to be entitled An Act relating to the erection of sound barrier walls along certain parts of Interstate Highway 610 in Houston.

Amendment No. 1

On behalf of Representative Stiles, Representative Thompson offered the following amendment to **HB 691**:

Amend **HB 691**, Second Reading engrossment, by adding a new appropriately numbered section to read as follows and by renumbering the existing sections as appropriate:

SECTION ____. To accomplish the purposes of this Act, the department may not use funds that the department has assigned to a district other than the district in which the highways described by this Act are located.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 691, as amended, was passed by (Record 261): 115 Yeas, 24 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Coleman; Cook; Counts; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Finnell; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Hernandez; Hightower; Hilbert; Hilderbran; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Hunter; Jackson; Jones, D.; Jones, J.; Junell; Kamel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno;

Mowery; Naishtat; Nixon; Oliveira; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Sadler; Serna; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williamson; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Christian; Clark; Corte; Crabb; Elkins; Galloway; Hartnett; Heflin; Hill; Howard; Hupp; Isett; Janek; Keel; Madden; Marchant; Palmer; Rabuck; Roman; Seaman; Shields; Talton; West; Wohlgemuth.

Present, not voting — Mr. Speaker(C); Bonnen.

Absent, Excused — Woolley.

Absent — Denny; Eiland; Moffat; Oakley; Pitts; Swinford; Williams.

STATEMENTS OF VOTE

When Record No. 261 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

I was shown voting yes on Record No. 261. I intended to vote no.

Siebert

HB 740 ON THIRD READING (by Solomons)

HB 740, A bill to be entitled An Act relating to mechanics', contractors', and materialmen's liens; providing penalties.

HB 740 was passed.

HB 533 ON THIRD READING (by Swinford and Van de Putte)

HB 533, A bill to be entitled An Act relating to certain dealer agreements concerning off-road construction equipment.

HB 533 was passed.

HB 1633 ON THIRD READING (by Solomons)

HB 1633, A bill to be entitled An Act relating to the authority of a foreign limited liability partnership to transact business in this state.

HB 1633 was passed.

HB 2010 ON THIRD READING (by Wilson, Chavez, Kamel, and G. Lewis)

HB 2010, A bill to be entitled An Act relating to restrictions on the extension of athletic scholarships or similar financial assistance at public institutions of higher education.

HB 2010 was passed.

HB 547 ON THIRD READING
(by Culberson, Allen, Greenberg, and Danburg)

HB 547, A bill to be entitled An Act relating to the eligibility for release on parole of certain inmates serving sentences for violent offenses.

Amendment No. 1

Representative Culberson offered the following amendment to **HB 547**:

Amend **HB 547** on 3rd reading, in Section 5, as added by the Place 2nd reading amendment, by striking Subsection (b) and substituting a new Subsection (b) to read as follows:

(b) The chairman and vice chairman of the Senate Criminal Justice Committee, the chairman of the Senate Finance Committee, the chairmen and vice-chairmen of the House Criminal Jurisprudence, Corrections, and Appropriations committees, and three members of the Senate appointed by the Lieutenant Governor, after jointly reviewing the capacity of the facilities of the Texas Department of Criminal Justice and the sentencing patterns relating to offenses described by Section 3g(a), Article 42.12, Code of Criminal Procedure, shall report to the legislature not later than December 1, 1998, on the effect of those factors on the law as amended by this Act.

Amendment No. 1 was adopted without objection.

HB 547, as amended, was passed.

STATEMENT OF VOTES

We would like the journal to show we voted for and whole-heartedly support **HB 547**. Offenders convicted of heinous felonies should be kept off the streets as long as possible. **HB 547** would be a step toward "truth in sentencing," and send a strong message to violent criminals.

Williams
Seaman

HB 733 ON THIRD READING
(by Raymond)

HB 733, A bill to be entitled An Act relating to the lease of certain state facilities.

HB 733 was passed.

HB 2071 ON THIRD READING
(by Gutierrez)

HB 2071, A bill to be entitled An Act relating to qualifications required to hold the office of constable.

Amendment No. 1

Representative Alvarado offered the following amendment to **HB 2071**:

Amend **HB 2071**, on Third Reading, as follows:

(1) On page 1, between Lines 4 and 5, insert a new SECTION 1 to read as follows:

SECTION 1. Section 86.021(a), Local Government Code, is amended to read as follows:

(a) A constable or deputy constable shall execute and return as provided by law each process, warrant, and precept that is directed to the constable or deputy constable and is delivered by a lawful officer. Notices required by Section 24.005, Property Code, relating to eviction actions, are process for purposes of this section that may be executed by a constable or deputy constable.

(2) On Page 1, Line 5, renumber the existing SECTION 1 as SECTION 2.

(3) On Page 1, Line 13, renumber the existing SECTION 2 as SECTION 3.

(4) On Page 1, Line 16, renumber the existing SECTION 3 as SECTION 4.

(5) On Page 1, Line 21, renumber the existing SECTION 4 as SECTION 5.

Amendment No. 1 was adopted without objection.

HB 2071, as amended, was passed.

HB 3012 ON THIRD READING

(by McReynolds)

HB 3012, A bill to be entitled An Act relating to standard possession orders in suits affecting the parent-child relationship.

HB 3012 was passed.

HB 10 ON THIRD READING

(by Brimer)

HB 10, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to financial institutions, financial businesses, and credit, including conforming amendments, repeals, and penalties.

HB 10 was passed.

HB 2825 ON THIRD READING

(by Place, et al.)

HB 2825, A bill to be entitled An Act relating to the use of inmate and probationer labor for state highway system projects.

A record vote was requested.

HB 2825 was passed by (Record 262): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery;

Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Dutton; Howard.

STATEMENT OF VOTE

When Record No. 262 was taken, my vote failed to register. I would have voted yes.

Dutton

HB 921 ON THIRD READING (by Danburg, Allen, Wise, et al.)

HB 921, A bill to be entitled An Act relating to the statute of limitations for certain sexual offenses committed against children.

HB 921 was passed. (Horn recorded voting no)

HB 3517 ON THIRD READING (by Goolsby)

HB 3517, A bill to be entitled An Act relating to approval of monuments on the grounds of the state capitol.

A record vote was requested.

HB 3517 was passed by (Record 263): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Alvarado; Danburg; Marchant.

HB 3170 ON THIRD READING
(by Yarbrough)

HB 3170, A bill to be entitled An Act relating to a firefighters' relief and retirement fund in certain municipalities.

HB 3170 was passed.

HB 3113 ON THIRD READING
(by McClendon, Danburg, and Allen)

HB 3113, A bill to be entitled An Act relating to providing public notice on release of a sex offender into the community.

HB 3113 was passed.

HB 1971 ON THIRD READING
(by Marchant)

HB 1971, A bill to be entitled An Act relating to usury and the regulation of lenders; providing a penalty.

HB 1971 was passed.

HB 2506 ON THIRD READING
(by Dukes)

HB 2506, A bill to be entitled An Act relating to interest charged on late payment made by certain political subdivisions under a contract for goods or services.

HB 2506 was passed.

HB 2446 ON THIRD READING
(by Greenberg, Krusee, Dukes, Maxey, Naishtat, et al.)

HB 2446, A bill to be entitled An Act relating to performance audits of certain metropolitan transit authorities.

HB 2446 was passed.

HB 2841 ON THIRD READING
(by Stiles and Siebert)

HB 2841, A bill to be entitled An Act relating to conforming the statutes to reflect the abolishment of the office of state treasurer.

HB 2841 was passed.

HB 762 ON THIRD READING
(by Averitt)

HB 762, A bill to be entitled An Act relating to offenses involving the preparation, sale, or distribution of certain academic materials for profit.

HB 762 was passed.

HB 1243 ON THIRD READING
(by Holzheuser)

HB 1243, A bill to be entitled An Act relating to energy savings projects for local governments.

Amendment No. 1

Representative Holzheuser offered the following amendment to **HB 1243**:

Amend **HB 1243** on third reading by striking Section 2 of the bill and substituting the following:

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 1243, as amended, was passed by (Record 264): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Cuellar; Culberson; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent — Alvarado; Crabb; Danburg.

HB 1516 ON THIRD READING
(by Thompson, Wise, Serna, and Solis)

HB 1516, A bill to be entitled An Act relating to the creation of a record keeping system for assisting law enforcement in the location of missing children.

HB 1516 was passed. (Craddick, Heflin, and Isett recorded voting no)

HB 2592 ON THIRD READING**(by Tillery)**

HB 2592, A bill to be entitled An Act relating to judicial proceedings involving the disposition of allegedly stolen property.

HB 2592 was passed.

HB 2517 ON THIRD READING**(by Dunnam)**

HB 2517, A bill to be entitled An Act relating to state oversight and evaluation of public junior college districts and other postsecondary institutions of vocational or technical education.

HB 2517 was passed.

HB 1968 ON THIRD READING**(by Garcia)**

HB 1968, A bill to be entitled An Act relating to punishing as contempt the violation of a condition of a peace bond.

HB 1968 was passed.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 3216 ON SECOND READING**(by Stiles and Brimer)**

HB 3216, A bill to be entitled An Act relating to the use of attorneys representing insurance carriers in certain workers' compensation proceedings.

HB 3216 was read second time on April 16, postponed until April 23, and was again postponed until 2 p.m. today.

Representative Thompson moved to postpone consideration of **HB 3216** until 2 p.m. Monday, May 5.

The motion prevailed without objection.

CSHB 589 ON SECOND READING**(by Rangel, Kamel, Maxey, Cuellar, Giddings, et al.)**

CSHB 589, A bill to be entitled An Act relating to the indemnification of certain personnel of certain institutions of higher education for admissions activities.

CSHB 589 was read second time on April 16, postponed until April 23, and was again postponed until 2 p.m. today.

Representative Rangel moved to postpone consideration of **CSHB 589** until 2 p.m. Monday, May 5.

The motion prevailed without objection.

HB 2400 ON SECOND READING**(by Garcia, et al.)**

HB 2400, A bill to be entitled An Act relating to family and medical leave for certain employees; providing a civil penalty.

HB 2400 was read second time on April 22, postponed until April 29, and was again postponed until 2 p.m. today.

Representative Nixon raised a point of order against further consideration of **HB 2400** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that rulemaking authority is granted to the Texas Workforce Commission in Section 2(c) of the bill, but the rulemaking authority statement in the bill analysis fails to identify that section.

The point of order was withdrawn.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Yarbrough, Representative Garcia offered the following committee amendment to **HB 2400**:

Amend **HB 2400** on page 12, line 17, by inserting the following after "chapter":

In adopting rules under this section, the commission may not adopt a rule that is inconsistent with:

(1) the Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2601 et seq.); or

(2) a federal rule or regulation adopted under that Act.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Yarbrough, Representative Garcia offered the following committee amendment to **HB 2400**:

Amend **HB 2400** as follows:

(1) On page 2, line 25, strike "CHAPTER." and substitute "CHAPTER; ELIGIBLE EMPLOYEES. (a)."

(2) On page 2, between lines 26 and 27, insert the following:

(b) To be eligible for family and medical leave from an employer under this chapter, an employee must:

(1) be employed for at least 12 months by the employer from whom the leave is requested; and

(2) work for at least 1,250 hours for that employer during those 12 months.

(c) Notwithstanding Subsections (a) and (b), an employee who is employed at a worksite of an employer at which the employer employs fewer than 50 employees is not eligible for family and medical leave under this chapter if the total number of employees employed by that employer within 75 miles of that worksite is fewer than 50 employees.

Amendment No. 2 was adopted without objection.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Junell on motion of R. Lewis.

Delisi on motion of R. Lewis.

Gallego on motion of R. Lewis.

Coleman on motion of R. Lewis.

HB 2400 - (consideration continued)

A record vote was requested.

HB 2400, as amended, failed to pass to engrossment by (Record 265): 69 Yeas, 74 Nays, 1 Present, not voting. (The vote was reconsidered on Thursday, May 1, and **HB 2400**, as amended, was passed to engrossment by Record 274.)

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Denny; Driver; Elkins; Finnell; Galloway; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Place; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; Walker; West; Williams; Williamson; Wohlgemuth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Woolley.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 3190 ON SECOND READING
(by Stiles)**

CSHB 3190, A bill to be entitled An Act relating to the holding of certain court proceedings outside the municipality designated as the county seat.

CSHB 3190 was passed to engrossment.

SB 445 ON SECOND READING
(Brimer - House Sponsor)

SB 445, A bill to be entitled An Act relating to the status of certain oil and gas workers or services providers as independent contractors.

SB 445 was considered in lieu of **HB 3138**.

SB 445 was passed to third reading. (Finnell recorded voting present, not voting)

HB 3138 - LAID ON THE TABLE SUBJECT TO CALL

Representative Brimer moved to lay **HB 3138** on the table subject to call.

The motion prevailed without objection.

CSHB 331 ON SECOND READING

(by Danburg, Siebert, Madden, Ehrhardt, J. Jones, et al.)

CSHB 331, A bill to be entitled An Act relating to certain election processes and procedures.

Amendment No. 1

Representative Siebert offered the following amendment to **CSHB 331**:

Amend **CSHB 331**, by adding a new section 44 and renumbering subsequent sections accordingly as follows:

SECTION 44. Subchapter C, Chapter 49, Water Code, is amended by adding Section 49.072 to read as follows:

Section 49.072. DIRECTOR'S CANDIDACY FOR OTHER OFFICE: INELIGIBILITY. (a) A person serving as director of a district who becomes a candidate for another office is no longer qualified to serve as director.

(b) In this section, "candidate" has the meaning assigned by Section 251.001, Election Code.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Culberson offered the following amendment to **CSHB 331**:

Amend **CSHB 331** by adding the following appropriately numbered sections to read as follows and by renumbering the existing sections as appropriate:

SECTION __. Subchapter C, Chapter 18, Election Code, is amended by adding Section 18.068 to read as follows:

Sec. 18.068. VERIFICATION OF CITIZENSHIP STATUS. (a) At least once each calendar year, the secretary of state shall compare the state master file with the noncitizen database maintained by the Department of Public Safety under Section 521.101(h), Transportation Code, and develop a list by county of each name in the state master file that appears in the noncitizen database.

(b) The secretary of state shall deliver a copy of the list for each county to the registrar. On receipt of the list, the registrar shall cancel the registration of each name that appears on the list.

SECTION __. Subchapter B, Chapter 62, Government Code, is amended by adding Section 62.1055 to read as follows:

Sec. 62.1055. DISQUALIFICATION OF NONCITIZENS. (a) A person is disqualified to serve as a petit juror unless the person presents proof that the person is a citizen of the United States at the time a person reports for jury selection under this chapter.

(b) Proof of citizenship required under this section shall be in a form prescribed by the secretary of state.

(c) At the time the court hears excuses under Section 62.110, the court or the court's designee shall verify the citizenship status of each prospective juror. If the court determines that a prospective juror is not a citizen of the United States or is unable to determine the citizenship status of a prospective juror, the court shall discharge that person from further jury service.

SECTION __. (a) Section 521.101, Transportation Code, is amended by adding Subsection (h) to read as follows:

(h) The department shall require each applicant for a personal identification certificate to provide, at the time of application, proof of citizenship in a form required by the department. If the department determines an applicant under this section is not a citizen of the United States, the department shall record that fact in a database. The department shall provide a copy of the database to the secretary of state for the verification required under Section 18.068, Election Code.

(b) Section 521.142, Transportation Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) An application for an original license must state the applicant's full name, [and] place and date of birth, and whether the applicant is a citizen of the United States. This information must be verified by presentation of proof of identity and citizenship satisfactory to the department.

(g) The proof of citizenship required under Subsection (a) relates only to the applicant's eligibility to vote or serve on a jury. The department may not use the information collected regarding citizenship to deny the issuance of a driver's license or personal identification certificate under this chapter.

(c) Subchapter M, Chapter 521, Transportation Code, is amended by adding Section 521.2725 to read as follows:

Sec. 521.2725. PROOF OF CITIZENSHIP REQUIRED. (a) Except as provided by Subsection (c), the department shall require that each applicant for a renewal of a driver's license provide proof of the applicant's citizenship status in the United States in a form designated by the department.

(b) If the department determines that an applicant for renewal is not a citizen of the United States, the department shall record that fact in the database described by Section 521.101(h).

(c) An applicant for renewal who has previously provided proof of United States citizenship under this section or Section 521.142(a) is not required to provide proof of citizenship for a renewal under this section.

(d) The changes in law made by this section relating to the application for and form of a driver's license or personal identification card apply only to a license or card issued or renewed on or after the effective date of this section.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Berlanga offered the following amendment to **CSHB 331**:

Amend **CSHB 331** by inserting appropriately numbered sections to read as follows:

SECTION _____. Section 86.007, Election Code, is amended by amending Subsection (a) and adding Subsections (d), (e), (f), and (g) to read as follows:

(a) Except as provided by Subsection (d), a [A] marked ballot voted by mail must arrive at the address on the carrier envelope before the time the polls are required to close on election day.

(d) A federal ballot voted by mail under Chapter 114 that arrives after the time prescribed by Subsection (a) shall be counted if:

(1) the carrier envelope was placed for delivery before the time the ballot is required to arrive under Subsection (a); and

(2) the ballot arrives at the office of the secretary of state not later than:

(A) the 10th day after the date of a general election; or

(B) the fourth day after the date of a primary or special election.

(e) A delivery under Subsection (d)(1) is timely, except as otherwise provided by this title, if the carrier envelope or, if applicable, the envelope containing the carrier envelope:

(1) is properly addressed with postage or handling charges prepaid; and

(2) bears a cancellation mark of a recognized postal service or a receipt mark of a military courier indicating a time before the deadline.

(f) If the envelope does not bear the cancellation mark or receipt mark as required by Subsection (e)(2), a delivery under Subsection (d)(1) is presumed to be timely if the other requirements under this section are met.

(g) The secretary of state shall prescribe procedures as necessary to implement Subsection (d).

SECTION _____. Chapter 114, Election Code, is amended to read as follows:

**CHAPTER 114. VOTING BY FEDERAL POSTCARD
APPLICANT [~~BALLOT BY OVERSEAS CITIZEN~~]**

Sec. 114.001. DEFINITIONS. In this chapter:

(1) "Congressional office" means the office of United States representative.

(2) "Federal ballot" means a ballot voted under this chapter that is restricted to federal offices only.

(3) [(2)] "Federal office" means the offices of president and vice-president of the United States, United States senator, or United States representative.

(4) "Federal postcard application" means an application for a ballot to be voted under this chapter submitted on the official federal form prescribed under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.).

(5) [(3)] "United States" includes the several states and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, but does not include any other territory or possession of the United States.

Sec. 114.002. ELIGIBILITY. A person is eligible for voting a federal ballot by mail as provided by this chapter if the person is:

(1) qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered, and the person is:

(A) a member of the armed forces of the United States, or the spouse or dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or dependent of a member; or

(C) domiciled in this state but temporarily living outside the United States; or

(2) a United States citizen dwelling outside the United States [is eligible to vote a federal ballot by mail] if:

(A) [(+)] the citizen's most recent domicile in the United States was in this state and the citizen's intent to return to this state is uncertain;

(B) [(2)] the citizen would be eligible for registration as a voter in this state if a resident; and

(C) [(3)] the citizen is not eligible to vote on federal offices in any other state.

Sec. 114.003. OFFICES ON WHICH VOTER ENTITLED TO VOTE. (a) A person voting a federal ballot is entitled to vote only on each federal office to be voted on in the election precinct of the person's current or most recent domicile in this state, except that a person is not entitled to vote on a congressional office unless the person provides in the application an address of a domicile in this state.

(b) A notation that the person voted on the federal postcard application shall be included on the early voting poll list and the early voting roster for each person voting under this chapter.

Sec. 114.004. APPLICATION. (a) An application for a federal ballot must be submitted on an official federal postcard application form.

(b) The application must be submitted to the secretary of state [early voting clerk serving the election precinct of the applicant's most recent domicile in this state].

(c) A federal postcard application may be submitted at any time during the calendar year in which the election for which a ballot is requested occurs, but not later than the deadline for submitting a regular application for a ballot to be voted by mail. A federal postcard application requesting a ballot for an election to be held in January or February may be submitted in the preceding calendar year, but not earlier than the earliest date for submitting a regular application for a ballot to be voted by mail [The period during which a federal ballot application may be submitted is the same as that for submitting a federal postcard application under Chapter 10].

(d) If the secretary of state receives an application for a ballot under Chapter 84, the secretary shall forward the application to the early voting clerk of the county in which the person is registered.

(e) If an early voting clerk receives a federal postcard application, the clerk shall forward the application to the secretary of state.

(f) The secretary of state shall perform the duties of the early voting clerk for an application submitted under this chapter.

Sec. 114.005. APPLYING FOR MORE THAN ONE ELECTION IN SAME APPLICATION. (a) A person may apply with a single federal postcard application for a ballot for any one or more elections in which the secretary of state conducts early voting.

(b) An application that does not identify the election for which a ballot is requested shall be treated as if it requests a ballot for:

(1) each general election for a federal office in which the secretary of state conducts early voting; and

(2) the general primary election for a federal office if the application indicates party preference and is submitted to the secretary of state for the primary.

(c) An application shall be treated as if it requests a ballot for a runoff election that results from an election for which a ballot is requested.

(d) An application requesting a ballot for more than one election shall be preserved for the period for preserving the precinct election records for the last election for which the application is effective [The provisions governing the application for ballots for more than one election by a single federal postcard application under Chapter 101 apply to a federal ballot application].

Sec. 114.006. DETERMINING OFFICES TO BE VOTED ON. For each voter who is to vote a federal ballot, the secretary of state ~~[early voting clerk]~~ shall determine the federal offices on which the voter is entitled to vote and indicate them on the application or the jacket envelope.

Sec. 114.007. METHOD OF PROVIDING BALLOT; REQUIRED ADDRESS; RETURN OF BALLOT. (a) The balloting materials provided under this chapter shall be airmailed to the voter free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting [Rights] Act (42 U.S.C. Section 1973ff et seq.) ~~[of 1975]~~, in an envelope labeled "Official Election Balloting Material—via Airmail." ~~[The secretary of state shall provide early voting clerks with instructions on compliance with this subsection.]~~

(b) The address to which the balloting materials are sent to a voter must be an address outside the county of the voter's residence ~~[United States]~~ or an address in the United States for forwarding or delivery to the voter at a location outside the United States. If the address to which the balloting materials are to be sent is within the county served by the early voting clerk, the federal ballot application must indicate that the balloting materials will be forwarded or delivered to the voter at a location outside the United States.

(c) A ballot voted under this chapter may be returned to the secretary of state ~~[early voting clerk]~~ by mail~~[- common or contract carrier,]~~ or military courier.

(d) Notwithstanding this section and Section 114.008, the secretary of state shall prescribe procedures to allow a ballot under this chapter to be sent and received by telephonic facsimile machine or other electronic means in regard to a member of the armed forces who is on active duty and because of the person's military assignment is unable to cast a ballot as provided by this chapter. The procedures must provide for:

- (1) the use of an existing federal electronic transmission system for sending and receiving ballots overseas;
- (2) verification of the voter; and
- (3) the security of the transmission.

(e) A ballot transmitted to a voter under Subsection (d) must contain a unique identifying mark or code that allows the secretary of state to determine the voter who requested the ballot. The secretary of state shall preserve the records containing the identification and all records relating to the receipt of a ballot by the secretary under Subsection (d) for the period for preserving the precinct election records, and on the expiration of the period, subject to an extension under Section 1.013, shall destroy the records. Records under this section are confidential and not subject to public inspection before they are destroyed.

Sec. 114.008. OFFICIAL CARRIER ENVELOPE. The officially prescribed carrier envelope for voting under this chapter shall be labeled "Official Election Balloting Material—via Airmail."

Sec. 114.009. FEDERAL POSTCARD VOTER REGISTRATION. The submission of a federal postcard application that complies with the applicable requirements by an unregistered applicant constitutes registration by the applicant only for the purpose of voting in the federal election for which a ballot is requested and does not constitute registration under Title 2.

Sec. 114.010. COUNTING OF BALLOTS. (a) The secretary of state shall prescribe procedures for the tabulation of ballots returned under this chapter. The procedures must require that all votes:

(1) for a federal office elected statewide be included in the statewide total for the office and in a separate category for ballots voted under this chapter; and

(2) for a congressional office be included in the total for the congressional district and in a separate category for ballots voted under this chapter in that congressional district.

(b) The secretary of state shall include the results of the ballots counted under Subsection (a), including a ballot described by Section 86.007(d), in the state canvass.

(c) If the election is a primary election, the secretary of state shall forward the results to the state executive committee for inclusion in the state canvass.

SECTION _____. Section 172.120, Election Code, is amended by adding Subsections (i) and (j) to read as follows:

(i) The state executive committee shall conduct a new state canvass for a race under this section if:

(1) the secretary of state forwards results under Section 114.010(c) of ballots described by Section 86.007(d);

(2) the vote totals of the election are changed; and

(3) the state executive committee has conducted a canvass for the election under this section.

(j) The canvass required by Subsection (i) shall be conducted not later than 48 hours after the time the committee receives results described by Subsection (i)(1). The new state canvass replaces the original state canvass. The state executive committee by rule may prescribe procedures as necessary to conduct the new state canvass under Subsection (i).

SECTION _____. Chapter 203, Election Code, is amended by adding Section 203.0121 to read as follows:

Sec. 203.0121. REPLACEMENT CANVASS. (a) The governor shall conduct a new state canvass for a race under Section 203.012 if:

(1) ballots described by Section 86.007(d) are received;

(2) the vote totals of the election are changed; and

(3) the governor has conducted a canvass for the election under Section 203.012.

(b) The canvass required by Subsection (a) shall be conducted not later than 48 hours after the time the last ballot described by Subsection (a)(1) is received. The new state canvass replaces the original state canvass.

SECTION _____. Chapter 101, Election Code, is repealed.

Amendment No. 4

Representative Hupp offered the following amendment to Amendment No. 3:

Amend the Berlanga Amendment to **CSHB 331**, after the section of the amendment amending Section 86.007, Election Code, by striking the remaining sections of the amendment.

(Goolsby in the chair)

Representative Berlanga moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 266): 73 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Garcia; Giddings; Glaze; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Place; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Wilson; Wise; Yarbrough; Zbrank.

Nays — Allen; Averitt; Bonnen; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Denny; Driver; Elkins; Galloway; Goodman; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Ramsay; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Turner, B.; Walker; West; Williams; Williamson; Wohlgemuth; Wolens.

Present, not voting — Mr. Speaker; Goolsby(C).

Absent, Excused — Woolley.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell.

Absent — Brimer; Gray; Haggerty; Swinford.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Chavez on motion of Olivo.

CSHB 331 - (consideration continued)

Representative Madden moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 267): 62 Yeas, 75 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Driver; Elkins; Galloway; Goodman; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Solomons; Staples; Talton; Walker; West; Williams; Williamson; Wilson; Wohlgemuth.

Nays — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wise; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Goolsby(C).

Absent, Excused — Chavez; Woolley.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell.

Absent — Culberson; Denny; Smithee; Swinford.

STATEMENTS OF VOTE

When Record No. 267 was taken, I was temporarily out of the house chamber. I would have voted yes.

Culberson

When Record No. 267 was taken, my vote failed to register. I would have voted yes.

Denny

When Record No. 267 was taken, I was temporarily out of the house chamber. I would have voted yes.

Smithee

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Swinford on motion of Chisum.

CSHB 331 - (consideration continued)

A record vote was requested.

Amendment No. 3 was adopted by (Record 268): 73 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Garcia; Giddings; Glaze; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Denny; Elkins; Galloway; Goodman; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Turner, B.; Walker; West; Williams; Williamson; Wohlgemuth.

Present, not voting — Mr. Speaker; Goolsby(C).

Absent, Excused — Chavez; Woolley.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Driver; Gray; Patterson.

Amendment No. 5

Representatives Maxey, Greenberg, Keel, and Naishtat offered the following amendment to **CSHB 331**:

Amend **CSHB 331** as follows:

(1) Add the following appropriately numbered section:

SECTION _____. (a) Subchapter A, Chapter 41, Election Code, is amended by adding Section 41.0031 to read to follows:

Sec. 41.0031. ELECTIONS IN MARCH IN CERTAIN POLITICAL SUBDIVISIONS. (a) This section applies only to:

(1) a city with a population of more than 450,000 in which all members of the city's governing body are elected at large;

(2) an independent school district or public junior college district with a service area that is primarily the same as that of a city described by Subdivision (1);

(3) a metropolitan transit authority with a principal city described by Subdivision (1); and

(b) A general or special election of officers of a political subdivision covered by this section shall be held on the fourth Saturday in March.

(b) Section 7(c), Chapter 429, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

(c) The directors elected at the first election shall draw lots for three four-year terms and two two-year terms. Thereafter, all directors shall serve four-year terms, and all directors elections shall occur on the fourth Saturday in March [~~May general election date~~] of even-numbered years.

(c) The governing body of a political subdivision holding an election under Subsection (a) of this section shall adjust the terms of office to conform to the new election date. The governing body shall adjust the election schedule to conform to the new date as provided by Section 41.006, Election Code.

(d) This section prevails over another Act of the 75th Legislature, Regular Session, 1997, to the extent of a conflict.

Amendment No. 5 was adopted without objection.

A record vote was requested.

CSHB 331, as amended, was passed to engrossment by (Record 269): 72 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Alvarado; Bailey; Berlanga; Bosse; Burnam; Cook; Counts; Cuellar; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Wise; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Driver; Elkins; Galloway; Goodman; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Siebert; Smith; Smithe; Solomons; Staples; Talton; Uher; Walker; West; Williams; Williamson; Wohlgemuth.

Present, not voting — Mr. Speaker; Goolsby(C).

Absent, Excused — Chavez; Woolley.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Alexander; Merritt; Pickett; Shields; Wilson; Wolens.

STATEMENT OF VOTE

When Record No. 269 was taken, I was in the house but away from my desk. I would have voted no.

Merritt

HB 697 ON SECOND READING
(by Dutton)

HB 697, A bill to be entitled An Act relating to contracting by court reporters.

Representative Dutton moved to postpone consideration of **HB 697** until 1:30 p.m. Friday, May 2.

The motion prevailed without objection.

CSHB 3158 ON SECOND READING
(by Hilbert and Wohlgemuth)

CSHB 3158, A bill to be entitled An Act relating to certain bonds executed by sureties.

Amendment No. 1

Representative Hilbert offered the following amendment to **CSHB 3158**:

Amend **CSHB 3158** as follows:

(1) On page 2, strike lines 14-27.

(2) On page 3, strike lines 1-8 and substitute the following:

(c) A bond that is made, given, tendered, or filed under Chapter 53, Property Code, or Chapter 2253, Government Code, may be executed only by a surety company that is authorized and admitted to write surety bonds in this state. If the amount of the bond exceeds \$100,000, the surety must also:

(1) hold a certificate of authority from the United States secretary of the treasury to qualify as a surety on obligations permitted or required under federal law; or

(2) have obtained reinsurance for any liability in excess of \$100,000 from a reinsurer that is authorized and admitted as a reinsurer in this state and is the holder of a certificate of authority from the United States secretary of the treasury to qualify as a surety or reinsurer on obligations permitted or required under federal law.

(d) In determining whether the surety on the bond or the reinsurer holds a certificate of authority from the United States secretary of the treasury, a party may conclusively rely on the list of companies holding certificates of authority as acceptable sureties on federal bonds and as acceptable reinsuring companies published in the Federal Register by the United States Department of the Treasury covering the date on which the bond was executed. A purchaser, insurer of title, or lender acquiring or insuring an interest or title to real property may also conclusively rely on and is protected by a statement on a recorded bond or a sworn statement by the surety that is recorded and refers to the specific recorded bond and that states that, at the time the bond was executed, the surety:

(1) was a holder of a certificate of authority from the United States secretary of the treasury to qualify as a surety on obligations permitted or required under federal law; or

(2) had reinsured any liability in excess of \$100,000 by a reinsurer holding a certificate of authority described by Subdivision (1) of this subsection.

Amendment No. 1 was adopted without objection.

CSHB 3158, as amended, was passed to engrossment.

CSHB 2542 ON SECOND READING
(by Kuempel)

CSHB 2542, A bill to be entitled An Act relating to the regulation of parks and wildlife; providing penalties.

Amendment No. 1

Representative Burnam offered the following amendment to **CSHB 2542**:

Amend **CSHB 2542** as follows:

(1) On page 44, line 7, between the period and "The", insert "(a)".

(2) On page 44, between lines 11 and 12, insert the following:

(b) Public notice and the opportunity for public comment at a hearing must be provided before the commission or the executive director makes a decision under the authority granted by Subsection (a).

Representative Kuempel moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative R. Lewis offered the following amendment to **CSHB 2542**:

Amend **CSHB 2542** by adding new Sections 3, 4, 5, and 6, and renumbering subsequent sections accordingly:

On page 1, line 18, insert the following and renumber subsequent sections accordingly:

Section 3. Subchapter A, Chapter 11, Parks and Wildlife Code, is amended by adding Section 11.003 to read as follows:

Sec. 11.003. GEOGRAPHIC REGIONS. The state is divided into nine geographic regions from which the commission members are appointed, as follows:

(1) Region 1: Archer, Armstrong, Bailey, Baylor, Borden, Briscoe, Callahan, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cooke, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Jack, Jones, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Potter, Randall, Roberts, Scurry, Shackelford, Sherman, Stephens, Stonewall, Swisher, Taylor, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Wise, Yoakum, and Young counties;

(2) Region 2: Bowie, Camp, Cass, Collins, Delta, Fannin, Franklin,

Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Panola, Rains, Red River, Rockwall, Rusk, Smith, Titus, Upshur, Van Zandt, and Wood counties;

(3) Region 3: Andrews, Brewster, Coke, Coleman, Concho, Crane, Crockett, Culberson, Ector, El Paso, Glasscock, Howard, Hudspeth, Irion, Jeff Davis, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mitchell, Pecos, Presidio, Reagan, Reeves, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green, Upton, Val Verde, Ward, and Winkler counties;

(4) Region 4: Bell, Bosque, Brown, Comanche, Coryell, Dallas, Denton, Ellis, Erath, Falls, Hamilton, Hill, Hood, Johnson, Lampasas, McLennan, Mills, Navarro, San Saba, Somervell, and Tarrant counties;

(5) Region 5: Anderson, Angelina, Cherokee, Freestone, Houston, Jasper, Jefferson, Leon, Limestone, Madison, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, and Walker counties;

(6) Region 6: Bandera, Blanco, Comal, Edwards, Frio, Gillespie, Kendall, Kerr, Kinney, Llano, Mason, Maverick, Medina, Real, Uvalde, and Zavala counties;

(7) Region 7: Bastrop, Bexar, Brazos, Burleson, Burnet, Caldwell, Fayette, Gonzales, Grimes, Guadalupe, Hays, Karnes, Lee, Milam, Robertson, Travis, Washington, Williamson, and Wilson counties;

(8) Region 8: Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Jackson, Lavaca, Liberty, Matagorda, Montgomery, Waller, and Wharton counties; and

(9) Region 9: Aransas, Atascosa, Bee, Brooks, Calhoun, Cameron, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, and Zapata counties.

Section 4. Section 11.012, Parks and Wildlife Code, is amended by adding Subsection (d) to read as follows:

(d) the governor shall appoint one commission member from each geographic region designated under Section 11.003 of this code.

Section 5. Section 11.0125, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) It is a ground for removal from the commission if a member:

(1) does not have at the time of appointment the qualifications required by Section 11.0121 of this code for appointment to the commission;

(2) does not maintain during the service on the commission the qualifications required by Section 11.0121 of this code for appointment to the commission;

(3) violates a prohibition established by Section 11.0122 or 11.0123 of this code;

(4) is unable to discharge his duties for a substantial portion of the term for which he was appointed because of illness or disability; ~~or~~

(5) is absent from more than one-half of the regularly scheduled commission meetings which the member is eligible to attend during each calendar year, except when the absence is excused by majority vote of the commission; or

(6) no longer resides in the geographic region from which the member is appointed.

(d) A commission member's failure to reside in the geographic region from which the member is appointed is not grounds for removal of the member from the commission if the member no longer resides in the geographic region because of a change in the region's boundaries.

Section 6. (a) The governor shall make appointments under Section 11.012(d), Parks and Wildlife Code, as added by this Act, as a vacancy occurs or a term expires for positions held by those commission members serving on the effective date of this Act.

(b) Section 11.0125(a)(6), Parks and Wildlife Code, as added by this Act, applies only to a commission member appointed under Section 11.012(d), Parks and Wildlife Code, as added by this Act.

Representative Kuempel moved to table Amendment No. 2.

(Speaker in the chair)

The motion to table was lost.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Finnell offered the following amendment to **CSHB 2542**:

Amend **CSHB 2542** by adding the following appropriately numbered Section and renumbering the remaining section of the bill accordingly:

SECTION _____. Section 46.002, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the exemptions provided by Subsection (a)(1), a resident who is 70 years of age or older is not required to have a fishing license under this chapter while the person:

(1) is fishing on property owned by the person or is fishing in the county of the person's primary residence or a county adjacent to that county; and

(2) is not fishing from a motorboat in coastal waters.

Representative Kuempel moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 270): 75 Yeas, 57 Nays, 3 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Berlanga; Carter; Cook; Craddick; Cuellar; Denny; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Galloway; Glaze; Goodman; Goolsby; Gray; Grusendorf; Hamric; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hill; Hinojosa; Holzheuser; Hunter; Hupp; Isett; Jackson; Kamel; Keel; Keffer; Krusee; Kuempel; Longoria; Madden; Marchant; Maxey; McCall; McReynolds; Merritt; Moreno; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Price; Rangel; Rhodes; Shields; Smith; Solis; Solomons; Talton; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Yarbrough.

Nays — Allen; Bonnen; Bosse; Brimer; Burnam; Chisum; Christian; Clark; Corte; Counts; Crabb; Culbertson; Danburg; Davila; Davis; Dukes; Finnell; Flores; Garcia; Giddings; Greenberg; Gutierrez; Haggerty; Hawley; Hilderbran;

Hirschi; Hochberg; Hodge; Horn; Janek; Jones, J.; Kubiak; Lewis, G.; Luna; McClendon; Moffat; Mowery; Nixon; Pickett; Pitts; Place; Rabuck; Ramsay; Raymond; Reyna, A.; Reyna, E.; Roman; Sadler; Serna; Siebert; Smithee; Staples; Stiles; Telford; Turner, S.; Wilson; Zbranek.

Present, not voting — Mr. Speaker(C); Jones, D.; Puente.

Absent, Excused — Chavez; Woolley.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Alvarado; Eiland; Howard; King; Lewis, R.; Seaman; Williamson.

Amendment No. 4

Representative Davis offered the following amendment to **CSHB 2542**:

Amend **CSHB 2542** by adding a new section to the bill, appropriately numbered, to read as follows and renumbering subsequent sections appropriately:

SECTION _____. Subchapter B, Chapter 11, Parks and Wildlife Code, is amended by adding Section 11.0261 to read as follows:

Sec. 11.0261. PROHIBITION AGAINST ACCEPTANCE OF GIFTS, GRATUITIES, AND OTHER THINGS OF VALUE. A person who is a member of the commission or an employee of the department may not accept a gift, gratuity, or other thing of value, including travel, from a person who:

(1) is employed by or participates in the management of a business entity or other organization that receives funds from the department;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization that receives funds from the department;

(3) is a person a significant portion of whose business consists of furnishing goods or services to an entity or organization described by Subdivision (1) or (2); or

(4) is an agent, representative, attorney, employee, officer, owner, director, or partner of an entity, organization, or person described by Subdivision (1), (2), or (3).

Amendment No. 4 was adopted without objection.

CSHB 2542, as amended, was passed to engrossment.

HB 2945 ON SECOND READING (by Kuempel)

HB 2945, A bill to be entitled An Act relating to protection of agricultural improvements.

Amendment No. 1

Representative Burnam offered the following amendment to **HB 2945**:

Amend **HB 2945** as follows:

On page 1, between lines 17 and 18, insert the following new Subsection (c) and reletter the following subsections accordingly:

(c) This section does not apply to the use of an agriculture improvement for:

(1) concentrated, confined livestock or poultry operations for meat, milk, or egg production or for growing, stabling, or housing livestock or poultry in pens or houses, in which livestock or poultry are fed at the place of confinement and crop or forage growth or feed is not produced in the confinement area; or

(2) concentrated production of fish or other aquatic animals in amounts exceeding 10,000 pounds per year.

Representative Chisum moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 271): 100 Yeas, 36 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berlanga; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Denny; Driver; Dunnam; Eiland; Elkins; Finnell; Galloway; Glaze; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; McReynolds; Merritt; Moffat; Moreno; Mowery; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Rabuck; Ramsay; Rangel; Raymond; Reyna, E.; Rhodes; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solomons; Staples; Stiles; Talton; Telford; Thompson; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Zbranek.

Nays — Alvarado; Bailey; Bosse; Burnam; Danburg; Davila; Davis; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Flores; Garcia; Giddings; Gray; Greenberg; Hernandez; Hirschi; Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McClendon; Naishtat; Price; Puente; Reyna, A.; Solis; Tillery; Turner, S.; Wilson; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez; Woolley.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Gutierrez; Hartnett; Hinojosa; King; Roman.

STATEMENTS OF VOTE

When Record No. 271 was taken, I was in the house but away from my desk. I would have voted yes.

Gutierrez

When Record No. 271 was taken, I was in the house but away from my desk. I would have voted yes.

Hartnett

When Record No. 271 was taken, I was in the house but away from my desk. I would have voted yes.

Hinojosa

When Record No. 271 was taken, I was in the house but away from my desk. I would have voted yes.

King

Amendment No. 2

Representative Zbranek offered the following amendment to **HB 2945**:

Amend **HB 2945** as follows:

On page 1, line 15, strike the word "agricultural"

Amendment No. 2 was adopted without objection.

HB 2945, as amended, was passed to engrossment.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSHB 1853 ON SECOND READING

(by Eiland, Stiles, Berlanga, Bonnen, Hawley, et al.)

CSHB 1853, A bill to be entitled An Act relating to coverage provided under certain policies issued through the Texas Catastrophe Property Insurance Association.

Amendment No. 1

Representative Eiland offered the following amendment to **CSHB 1853**:

Amend **CSHB 1853** as follows:

On page 1, line 9, between, "program" and "or", insert the following:
"approved by the Texas Department of Insurance"

Amendment No. 1 was adopted without objection.

CSHB 1853, as amended, was passed to engrossment. (Howard recorded voting no)

COMMITTEE MEETING ANNOUNCEMENT

Permission having been granted for the Committee on Calendars to meet while the house is in session for the remainder of the session, Representative Stiles announced the following committee meeting:

Calendars, 5:30 p.m. today, speakers committee room.

CSHB 3031 ON SECOND READING

(by Eiland, Stiles, Berlanga, Bonnen, Gray, et al.)

CSHB 3031, A bill to be entitled An Act relating to the authority of the commissioner of insurance to approve higher deductibles on coverage provided under certain policies issued through the Texas Catastrophe Property Insurance Association.

CSHB 3031 was passed to engrossment. (Howard recorded voting no)

CSHB 3383 ON SECOND READING
(by Eiland, Stiles, Berlanga, Luna, Gray, et al.)

CSHB 3383, A bill to be entitled An Act relating to the operation of the Texas catastrophe property insurance pool.

Amendment No. 1

Representative Eiland offered the following amendment to **CSHB 3383**:

Amend **CSHB 3383** as follows:

On page 2, line 23, substitute "six-percent" for "fifteen-percent".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Smithee offered the following amendment to **CSHB 3383**:

Amend **CSHB 3383** as follows:

On page 2, between lines 26 & 27 insert the following:

Section 4, Article 21.49, Insurance Code, is amended by adding Section 8F to read as follows:

Sec. 8F RATE SUFFICIENCY. Notwithstanding any provision in this Article, the commissioner may, after notice and hearing, set an extended coverage rate greater than the upper flexibility band upon a finding that additional amounts are necessary to assure adequate funding for the catastrophe reserve trust fund or reinsurance program as required by subsection 8(i) of this article.

Representative Eiland moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representatives Berlanga and Stiles offered the following amendment to **CSHB 3383**:

Amend **CSHB 3383** as follows:

(1) Add the following section, appropriately numbered, to read as follows:
SECTION _____. (a) This section applies to each county of this state that:

(1) has a population of 290,000 or more; and

(2) includes all or part of an island that borders the Gulf of Mexico.

(b) Notwithstanding any law to the contrary, a building code adopted on or after April 1, 1997, does not apply to a county subject to this section.

(c) For purposes of this section, "building code" means any new building standard, specification, or guideline adopted by the commissioner of insurance on or after April 1, 1997.

(d) This section expires June 1, 1999.

(2) Renumber sections of the bill appropriately.

Amendment No. 3 was adopted without objection.

CSHB 3383, as amended, was passed to engrossment. (Howard and Madden recorded voting no)

HB 292 ON SECOND READING
(by Chisum)

HB 292, A bill to be entitled An Act relating to election of the board of directors of the Hutchinson County Hospital District.

Representative Chisum moved to postpone consideration of **HB 292** until 2 p.m. Thursday, May 15.

The motion prevailed without objection.

CSHB 107 ON SECOND READING
(by Giddings, Gray, S. Turner, McCall, Raymond, et al.)

CSHB 107, A bill to be entitled An Act relating to specialized license plates to support an elementary student reading program.

Amendment No. 1

Representative Howard offered the following amendment to **CSHB 107**:

Amend **CSHB 107** by striking page 3, lines 3-10 and substituting the following:

Sec. 29.353. ADMINISTRATION OF GRANTS. (a) A grant application must include:

(1) guidelines for screening students to diagnose reading deficiencies, including phonemic awareness;

(2) instructional material that is balanced, well-organized, and based on scientific, replicable research; and

(3) testing to demonstrate student progress.

(b) The commissioner shall:

(1) prescribe the procedure for application for and the making of grants; and

(2) perform other activities the commissioner considers necessary to carry out this subchapter.

Amendment No. 1 was adopted without objection.

CSHB 107, as amended, was passed to engrossment.

CSHB 571 ON SECOND READING
(by Rangel, Kamel, Flores, Davis, Davila, et al.)

CSHB 571, A bill to be entitled An Act relating to exempting certain educational aides from tuition and fees charged by institutions of higher education.

CSHB 571 was passed to engrossment. (Howard and Williams recorded voting no)

CSHB 2033 ON SECOND READING
(by Gray)

CSHB 2033, A bill to be entitled An Act relating to coverage for services provided through telemedicine under certain health benefit plans.

CSHB 2033 was passed to engrossment.

HB 57 ON SECOND READING
(by Wilson)

HB 57, A bill to be entitled An Act relating to the authority of active and retired judicial officers to carry certain weapons.

HB 57 was passed to engrossment.

SB 217 ON SECOND READING
(Van de Putte - House Sponsor)

SB 217, A bill to be entitled An Act relating to coverage under certain health benefit plans for reconstructive surgery incident to a mastectomy.

SB 217 was considered in lieu of **HB 262**.

SB 217 was passed to third reading.

HB 262 - LAID ON THE TABLE SUBJECT TO CALL

Representative Van de Putte moved to lay **HB 262** on the table subject to call.

The motion prevailed without objection.

HB 2180 ON SECOND READING
(by Averitt)

HB 2180, A bill to be entitled An Act relating to review of mandated coverage in health benefit plans.

HB 2180 was passed to engrossment.

CSHB 2617 ON SECOND READING
(by Oakley)

CSHB 2617, A bill to be entitled An Act relating to the assessment of certain court costs in criminal cases and the use of that revenue to fund the Bill Blackwood Law Enforcement Management Institute.

CSHB 2617 was passed to engrossment.

CSHB 3256 ON SECOND READING
(by Oakley)

CSHB 3256, A bill to be entitled An Act relating to the operation and management of the Bill Blackwood Law Enforcement Management Institute of Texas and to membership on that institute's advisory board.

CSHB 3256 was passed to engrossment.

HB 3027 ON SECOND READING
(by Smithee)

HB 3027, A bill to be entitled An Act relating to recoupment of certain professional liability discounts in lieu of reimbursement under Chapter 110, Civil Practices and Remedies Code; and declaring an emergency.

HB 3027 was passed to engrossment.

CSHB 1585 ON SECOND READING**(by Hirschi)**

CSHB 1585, A bill to be entitled An Act relating to liability insurance for motor vehicles operated by law enforcement officers of a political subdivision.

CSHB 1585 was passed to engrossment.

CSHB 820 ON SECOND READING**(by Cuellar, Coleman, Maxey, and Dukes)**

CSHB 820, A bill to be entitled An Act relating to civil actions to recover fraudulent Medicaid claims.

Representative Cuellar moved to postpone consideration of **CSHB 820** until 10 a.m. Wednesday, May 7.

The motion prevailed without objection.

SCR 78 - ADOPTED**(Thompson - House Sponsor)**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **SCR 78**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

SCR 78, Correcting a clerical error in **SB 251**.

SCR 78 was adopted without objection.

RULES SUSPENDED

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **SB 644**.

The motion prevailed without objection.

Representative Goodman moved to suspend the 5-day posting rule to allow the Committee on Juvenile Justice and Family Issues to consider **SB 625**.

The motion prevailed without objection.

Representative Thompson moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider **HB 949**, **HB 2697**, and **SB 20**.

The motion prevailed without objection.

Representative D. Jones moved to suspend the 5-day posting rule to allow the Committee on Redistricting to consider **SB 715**.

The motion prevailed without objection.

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider **HB 433**, **HB 816**, **HB 932**, **HB 939**, and **HB 1468**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Ways and Means, on adjournment today.

Natural Resources, on adjournment today, E2.010, Capitol Extension.

State, Federal, and International Relations, on adjournment today, Desk 128, to consider **HCR 82**.

County Affairs, on adjournment today.

Criminal Jurisprudence, 9 a.m. Thursday, May 1, E2.022, Capitol Extension, to consider pending bills.

Calendars, on adjournment today, speakers committee room, to consider the calendar.

Business and Industry, on adjournment today, Desk 3, to consider **HB 92** and **HB 2633**.

ADJOURNMENT

Representative D. Jones moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Tom Creighton.

The motion prevailed without objection.

The house accordingly, at 5:46 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 220 (by Coleman), Granting Copelco Capital, Inc., formerly doing business as Copelco Credit Corporation, permission to sue Nueces County Hospital District, doing business as Memorial Medical Center.

To Civil Practices.

HCR 222 (by Merritt), Designating the Kilgore College Rangerettes as the Official State Dance-Drill Team of Texas.

To State, Federal & International Relations.

HCR 224 (by Chavez), Creating a committee to designate the Poet Laureate of Texas.

To House Administration.

HCR 225 (by Hinojosa), Directing the commissioner of education to study the need for, and the best methodology for developing and implementing, a personal finance course in the public school curriculum.

To Public Education.

HCR 226 (by Wise), Commending Weslaco's designation as a Main Street City.

To Rules & Resolutions.

HCR 227 (by Kubiak), Honoring Calvin A. Rinn on the occasion of his retirement.

To Rules & Resolutions.

HR 755 (by Chavez), Honoring Ernesto Pedregon Martinez for his artistic achievements.

To Rules & Resolutions.

HR 756 (by Delisi), Honoring Joe M. Pirtle on the occasion of his retirement from the Belton Independent School District.

To Rules & Resolutions.

HR 757 (by Tillery), Honoring Dixie Parris for her many years of service as an educator and administrator.

To Rules & Resolutions.

HR 758 (by R. Lewis), Honoring Nelson Nolden.

To Rules & Resolutions.

HR 761 (by Uher), Congratulating Sugar Land's Tara Lipinski on winning the 1997 World Figure Skating Championship.

To Rules & Resolutions.

HR 762 (by Uher), In memory of Roger D. Wilson.

To Rules & Resolutions.

HR 765 (by McClendon), Congratulating Patricia Stout on being inducted into the San Antonio Women's Hall of Fame.

To Rules & Resolutions.

HR 766 (by McClendon), Honoring Dr. Sandra Mayo for her induction into the San Antonio Women's Hall of Fame.

To Rules & Resolutions.

HR 767 (by McClendon), Congratulating Harriet O'Banion Kelley on her induction into the San Antonio Women's Hall of Fame.

To Rules & Resolutions.

HR 768 (by McClendon), Congratulating Luz Elena Day on her induction into the San Antonio Women's Hall of Fame.

To Rules & Resolutions.

HR 769 (by McClendon), Congratulating Barbie Hernandez on being inducted into the San Antonio Women's Hall of Fame.

To Rules & Resolutions.

HR 770 (by Hupp), Honoring Dale Dudley.

To Rules & Resolutions.

HR 771 (by Staples), In memory of C. Eldridge Salmon.

To Rules & Resolutions.

HR 772 (by Staples), Commemorating the dedication of an Official Texas Historical Marker at the Franklin Cemetery.

To Rules & Resolutions.

HR 773 (by Solis and Raymond), Honoring Joe Lopez for his artistic achievements and denouncing the Ernest and Julio Gallo Winery's lawsuit against him.

To Rules & Resolutions.

SB 28 to Natural Resources.

SB 50 to Criminal Jurisprudence.

SB 119 to Criminal Jurisprudence.

SB 548 to Criminal Jurisprudence.

SB 667 to Human Services.

SB 873 to Criminal Jurisprudence.

SB 1017 to Ways & Means.

SB 1120 to Criminal Jurisprudence.

SB 1195 to Business & Industry.

SB 1240 to State Affairs.

SB 1246 to Insurance.

SB 1387 to Insurance.

SB 1517 to Public Health.

SB 1598 to State Affairs.

SB 1636 to State Affairs.

SB 1639 to Agriculture & Livestock.

SB 1678 to Business & Industry.

SB 1696 to Land & Resource Management.

SB 1728 to Criminal Jurisprudence.

SB 1736 to Urban Affairs.

SB 1782 to County Affairs.

SB 1907 to Higher Education.

SB 1913 to Insurance.

SCR 34 to Public Health.

SJR 47 to County Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

Senate List No. 17**SB 997, SB 1386****House List No. 44****HB 930, HB 1049, HB 1113, HCR 93, HCR 148****MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Wednesday, April 30, 1997

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**HB 1266** Oliveira SPONSOR: Patterson

Relating to a loan the proceeds of which are used to purchase an interest in a certain trust or entity that owns real property located outside the United States.

HB 1414 Van de Putte SPONSOR: Ellis

Relating to the creation, powers, and duties of the Community Reinvestment work group.

HB 1720 Siebert SPONSOR: Carona

Relating to a disqualification of eligibility for unemployment compensation benefits for periods of partial unemployment caused by a reduction in hours as a result of misconduct.

HCR 223 Patterson, L.P. "Pete"

Commemorating April 30, 1997, as Fannin County Day.

SCR 78 Carona

Correcting a clerical error in SB 251.

Respectfully,

Betty King

Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Wednesday, April 30, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 96** Ellis

Relating to the regulation of political contributions and political expenditures in connection with certain judicial candidates and officeholders; providing a penalty.

SB 643 Galloway, Michael

Relating to the rate applicable to certain successor employers for contributions under the unemployment compensation system.

SB 991 Ellis

Relating to permitting certain disabled persons to apply for and receive a state parklands passport.

SB 999 Fraser

Relating to objections to the assignment of visiting judges.

SB 1663 Shapiro

Relating to the business of selling checks.

SB 1748 Galloway, Michael

Relating to procedures for accepting certain voters at a polling place.

SB 1857 Brown

Relating to transferring certain responsibilities of the Texas Natural Resource Conservation Commission related to certain radioactive materials to the Texas Department of Health.

SB 1896 Sibley

Relating to reciprocal regulation of insurance companies.

SCR 79 Sibley

In memory of Dr. Marion Zetzman.

**THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE
FOLLOWING MEASURES:****SB 400** (31 YEAS, 0 NAYS)**SB 998** (viva-voce vote)

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 29

Insurance - **SB 217**

Judicial Affairs - **HB 2189, HB 2374, HB 3422, HB 3432, HB 3542, HB 3588, SB 318, SB 1012, SB 1174**

Land & Resource Management - **HB 1794, HB 3151**

Public Health - **HB 935, HB 1390, HB 1734, HB 1990, HB 2913**

State Affairs - **HB 980, HB 1338, HB 1659, HB 1691, HB 1772, HB 3146, SB 365, SB 584, SCR 32**

State, Federal & International Relations - **SB 226, SB 227**

Transportation - **HB 3246**

Ways & Means - **HB 2622, HB 2808, HB 3306, HB 3317, HB 3319, HB 3320, SB 461**

ENGROSSED

April 29 - **HB 330, HB 1230, HB 2119, HB 3062, HB 3263, HB 3354, HB 3459, HB 3522, HJR 83**

ENROLLED

April 29 - **HB 706, HB 1296, HB 1492, HCR 61, HCR 62**

SENT TO THE GOVERNOR

April 29 - **HB 706, HB 1152, HB 1296, HB 1492, HCR 59, HCR 61, HCR 62, HCR 63, HCR 162**